

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE,

Plaintiff,

-vs-

08-CV-347C

FREDERICK DIMOND, ROBERT DIMOND,
and MOST HOLY FAMILY MONASTERY,
a New York Not-for-Profit Corporation,

Defendants.

The parties appeared for oral argument on July 17, 2008 on defendants' motion for a temporary restraining order and/or a preliminary and permanent injunction. Plaintiff has consented to much of the relief requested, and both parties have submitted proposed orders with minor variations in language and the timing of events. Accordingly, the court determines that the order should be granted and a preliminary injunction is issued as follows:

Plaintiff shall, within ten days of the entry of this order, return to the defendants all confidential and proprietary records taken from Most Holy Family Monastery ("MHFM") in any form;

Plaintiff shall provide to the defendants, within that time, copies of all data contained on any computer or digital storage device within his possession or control which constitutes confidential and proprietary records of MHFM;

Plaintiff shall remove any confidential and proprietary information taken from

MHFM (including copies thereof) from any electronic storage device, including but not limited to hard drives, jump drives, and flash drives, by permanently deleting and wiping clean such electronic storage devices such that plaintiff no longer has access to it or an ability to recreate such information;

Plaintiff shall, within twenty days of the entry of this order, report to the court in a sworn writing that he has complied with the three previous conditions of this order.

Plaintiff shall immediately cease and desist from engaging in any communication with anyone whose identity and/or contact information plaintiff knows as a result of the confidential and proprietary records of the MHFM or as a result of living or working at MHFM. If plaintiff seeks to engage in any communication with such persons for purposes of case preparation or otherwise, he must make application to the court for permission.

Plaintiff shall immediately cease and desist from making defamatory statements about any of the named defendants, including representations that the individual defendants stole money from plaintiff.

Defendants have also filed a motion to dismiss the complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure (Item 6), and plaintiff has filed a motion to amend/correct the complaint (Item 20). The parties shall file responses to the respective motions on or before July 31, 2008. The parties shall appear for oral argument on the motions on August 18, 2008 at 11:00 a.m.

So ordered.

_____\s\ John T. Curtin_____
JOHN T. CURTIN
United States District Judge

Dated: July 21, 2008
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